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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Thomas J. Burke
Serial No. : 10/623,792
Filed : 21 July 2003
For : RAILROAD GRADE CROSSING ASSEMBLY
Examiner : J. Redman
Attorney's Docket : 660041-2002.1

Group Art Unit: 3634

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS: NON-FEE AMENDMENTS, Honorable Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on 23 Feb 09

By Joanne M. Martin
Joanne M. Martin
Registration No. 29,328
Attorney for Applicant

RESPONSE

Honorable Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

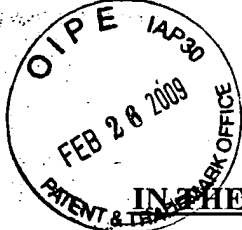
Applicant responds to the Notice of Allowability dated 8 January 2009, requesting corrected drawings. In a telephonic communication with the Examiner, it was indicated that the previously resubmitted Figures 8-12, submitted in response to a Notice to File Missing Parts, may not have been entered, lacking a "replacement sheet" marking thereon. Applicant submits a copy of previously resubmitted Figures 8-12 each having a "replacement sheet" marking thereon, and a copy of the Response to Notice of Missing Parts of Nonprovisional Application previously filed (without attachments), noting the statement thereon of "replacement drawings". In the alternative, Applicant argues that the previously submitted replacement Figures 8-12 were actually accepted since a Filing Receipt was issued (copy included herewith) and therefore the requirement for corrected drawings has been met.

The Examiner is requested to call the Applicant's undersigned attorney in sufficient time to allow the Applicant to further respond should the Examiner feel the drawing requirements are not satisfied.

Respectfully submitted,
Thomas J. Burke

Joanne M. Martin
By Joanne M. Martin, Reg. No. 29,328

Date 23 Feb 09



PATENT
660041-2002.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Thomas J. Burke
Serial No. : 10/623,792
Filing Date : July 21, 2003
For : RAILROAD GRADE CROSSING ASSEMBLY
Examiner : To Be Assigned
Art Unit : 3634

745 Fifth Avenue
New York, NY 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 18, 2003.

Bruno Polito, Reg. No. 38,580

Name of Applicant, Assignee or Registered Representative

Signature

December 18, 2003

Date of Signature

**RESPONSE TO NOTICE OF MISSING
PARTS OF NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Dear Sir:

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, mailed October 22, 2003, enclosed is the Declaration For Patent Application And Power of Attorney, and replacement drawings, Figs. 8-12 (4 sheets), and a check for \$65.00 to cover the required surcharge fee.

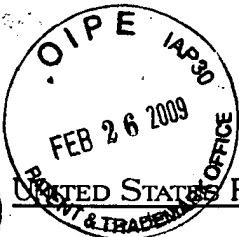
Please charge any additional fees to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 
Bruno Polito
Reg. No. 38,580
(212) 588-0800

Encs. - Declaration and Power of Attorney
- Copy of Notice to File Missing Parts
- Formal Drawings Figs. 8-12 (4 Sheets)



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/623,792	07/21/2003	3634	440	660041-2002.1	9	20	2

CONFIRMATION NO. 6106

UPDATED FILING RECEIPT



OC000000011831597

FROMMER LAWRENCE & HAUG LLP
 745 FIFTH AVENUE
 NEW YORK, NY 10151

DOCKETED

Date Mailed: 02/04/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Thomas J. Burke, Whitehouse Station, NJ;

Domestic Priority data as claimed by applicant

This application is a CIP of 09/811,998 03/19/2001 PAT 6,618,993

Foreign Applications

If Required, Foreign Filing License Granted: 10/22/2003

Projected Publication Date: 05/13/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

Railroad grade crossing assembly

Preliminary Class

049

MAILED - 7 A.M. 42
 FROMMER, LAWRENCE
 & HAUG, LLP

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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